

they shall have power to provide for granting appeals to Baltimore City Court from the decisions of the commissioners, and to secure to every person, interested in such decisions, the trial by jury, on application within a reasonable time. And the 9th section of the ordinances of the city, No. 10, 1841, approved on the 9th of March of that year, which is an ordinance for exercising the powers vested in the city, by the act of 1838, ch. 226, confers upon persons who may be dissatisfied with the assessment of damages, or benefits, which may be made by the commissioners, the right of appeal within a limited and reasonable time to the judges of Baltimore City Court, and gives to the said judges, power to hear and fully examine the subject, and decide thereon; with a provision for summoning a jury, to try any question of fact. And a similar provision in reference to the right of appeal is made by the 9th section of the ordinance, No. 59, of 1846.

The street in question was widened under ordinance No. 49 of 1846, which directs that the street commissioners shall proceed in all respects in the widening of the street, agreeably to the provisions of the ordinance of the 9th of March, 1841, and consequently the right of appeal to the City Court, secured by the latter ordinance, might have been enjoyed by any person conceiving himself aggrieved by the judgment of the commissioners. It seems to me, that the remedy thus provided for the examination and correction (if erroneous) of the proceedings of the commissioners, should have been taken by these complainants, and that they have no right, passing by that remedy, to invoke the extraordinary power of a court of Chancery, to interpose by way of injunction for their relief. The injunction will consequently be dissolved.

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T. P. SCOTT for Complainants.

BENJ. C. PRESSTMAN and J. MASON CAMPBELL for Defendants.

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